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FM AMEMBASSY MANAGUA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3103  
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE IMMEDIATE  
RUEHBO/AMEMBASSY BOGOTA IMMEDIATE 1976  
RUEKJCS/SECDEF WASHDC IMMEDIATE  
RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE  
RHEHNSC/NSC WASHINGTON DC IMMEDIATE  
RUEAIIA/CIA WASHDC IMMEDIATE  
RHEFDIA/DIA WASHINGTON DC IMMEDIATE  
RUMIAAA/CDR USSOUTHCOM MIAMI FL//J2/J3/J5// IMMEDIATE  
RUEADWD/DA WASHINGTON DC IMMEDIATE  
RUENAAA/SECNAV WASHDC IMMEDIATE  
RUCJAAA/USSOCOM MACDILL AFB FL IMMEDIATE  
RHBVNKP/USS KEARSARGE IMMEDIATE  
RULYEGA/COMPHIBRON EIGHT IMMEDIATE

UNCLAS MANAGUA 001109

SENSITIVE  
SIPDIS

DEPT FOR WHA/PPC AND WHA/CEN KRAAIMOORE  
DEPT FOR PM/SNA DETEMPLE  
DEPT FOR L/PM HEROLD AND L/T COOK  
OSD FOR EARLE  
SOUTHCOM FOR POLAD AND JAG  
KEARSARGE FOR COMMODORE PONDS AND JAG

E.O. 12958: N/A  
TAGS: [MARR](#) [MOPS](#) [PREL](#) [KTIA](#) [NU](#)  
SUBJECT: NICARAGUA SOFA: SIGNED, SEALED, DELIVERED (BARELY  
IN TIME)

REF: A. SECSTATE 69341  
[B](#). MANAGUA 515  
[C](#). STATE 2677

[1](#)1. (SBU) SUMMARY. On August 8, 2008 we delivered to the Government of Nicaragua (GON) the final draft version of the diplomatic note regarding the Status of Forces Agreement (SOFA) and the accompanying note regarding customs clearance procedures. Later that same day, the GON responded affirmatively and sent back a diplomatic note indicating its acceptance of both our notes. The conclusion of this SOFA letter process came, literally, on the eve of the arrival of the USS KEARSARGE to Puerto Cabezas as part of Operation Continuing Promise, which was the final major activity of the Milgroup program year (FY08). The full text of both notes appear in paras 3 and 4 below. We will email pdf copies of all four notes (U.S. originals plus GON replies) to L/T, WHA/CEN and PM/SNA. END SUMMARY.

[1](#)2. (SBU) COMMENT. Throughout this process, at each meeting with our GON counterparts we have raised the possibility of securing a longer-term bilateral SOFA agreement per REF C. If while the GON initially expressed reservations, it did not reject the idea out of hand. Now that we have concluded this one-year agreement (virtually at the end of the one-year term), we believe that we may now be able to approach the GON about a multi-year arrangement. We propose a two-pronged approach for this "exploratory" phase. Using the approved sample SOFA agreement developed by PM/SNA, we plan to initiate a discussion with the Foreign Ministry. At the same time, we believe it would be beneficial for WHA/CEN to invite Nicaraguan Ambassador Arturo Cruz to a SOFA informational briefing with PM/SNA. We believe that Cruz may see the advantages to his government (both political and administrative) of concluding a SOFA with the U.S. He could be an ally in this endeavor. END COMMENT.

[1](#)3. (U) BEGIN TEXT DIP NOTE ON SOFA.

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Nicaragua and has the honor to refer to discussions between the Government of Nicaragua and the Government of the United States of America regarding the Peace Keeping Operation-North (PKO-North) exercise from June 9 to June 20, 2008; the Medical Readiness Exercise (MEDRETE) in Cardenas from February 25 to March 16, 2008; the humanitarian assistance visit of USS KEARSARGE to Puerto Cabezas in August 2008; MEDRETES in Esteli and Matagalpa during April-May 2008; the visit of USS KAUFMAN to Corinto in August and September 2008; U.S. Southern Command Engineers Deployments for construction of counter-narcotics infrastructure on different dates during 2008 at various sites, including Bluefields, El Bluff, and Corn Island; counter-narcotics training events at various dates and locations; the Joint Task Force-Bravo MEDRETES in January and July 2008; the several Maintenance and Training Exchanges on different dates during 2008, at various sites, as well as other military-to-military activities in Nicaragua, as mutually agreed, during 2008. The implementation of each of these separate activities (hereafter referred to collectively as 2008 operational activities) will be carried out to further the relationship of friendship and cooperation that exists between the Republic of Nicaragua and the United States of America.

As part of the 2008 operational activities, the Embassy proposes that United States military and civilian personnel (defined as members of the United States Armed Forces and civilian employees of the United States Department of Defense, respectively, hereafter referred to collectively as United States personnel) present in Nicaragua in connection with the 2008 operational activities be accorded treatment equivalent to that accorded to the administrative and technical staff of the Embassy of the United States of America under the Vienna Convention on Diplomatic Relations of April 18, 1961; that United States personnel be permitted to enter and exit Nicaragua with United States identification and with collective movement or individual travel orders (in advance of each of the 2008 operational activities the United States will provide a list of the names of personnel who are expected to be present in conjunction with said activity); and that Nicaraguan Authorities shall accept as valid, without a driving fee or test, valid, unexpired driving licenses or permits issued by the appropriate authorities in the United States to United States personnel for the operation of vehicles, that such personnel be authorized to wear uniforms while performing official duties in Nicaragua, and to carry weapons as agreed to by both Governments.

The Embassy also proposes that the Government of the Republic of Nicaragua accord duty-free importation and exportation, as well as exemption from inspections and taxation on products, property, material, and equipment, imported into, acquired in or exported from Nicaragua by or on behalf of the United States Government or its personnel in connection with the 2008 operational activities; and that the Parties shall cooperate in taking such steps as shall be necessary to ensure the security of United States personnel and property in Nicaragua. The Embassy further proposes vehicles, vessels, and aircraft owned or operated by or for the United States Armed Forces shall not be subject to the payment of landing or port fees, pilotage charges, navigation, overflight, or parking charges or lighterage or harbor dues while in Nicaragua; however, the United States Armed Forces shall pay reasonable charges for services requested and received.

Vehicles owned by the United States need not be registered, but shall have appropriate identification markings.

The Government of Nicaragua shall accept as valid professional licenses issued by the appropriate government authorities in the United States to United States personnel.

Title to United States Government Property (such as equipment, material, supplies, and other property) imported into or acquired in Nicaragua by or on behalf of the United States Department of Defense in connection with the 2008 operational activities shall remain with the United States Department of Defense, which may remove such property from Nicaragua at any time, free from export duties, taxes, and other charges. The exemption provided in this paragraph shall also extend to any duty, tax, or other charge that is assessed upon such property after importation into or acquisition in Nicaragua. United States Armed Forces and United States personnel property may be removed from Nicaragua, or disposed therein, provided that disposition of such property in Nicaragua to persons or entities not entitled to exemption from applicable taxes or duties shall be subject to payment of such taxes and duties by such persons or entities.

It shall be the responsibility of United States personnel to respect the laws of Nicaragua and to abstain from any activity inconsistent with the spirit of the 2008 operational activities. Authorities of the Government of the United States shall take necessary measures to that end. Nicaraguan and United States military police investigators shall cooperate in the investigation of any crime believed to have been committed by or against United States personnel.

The Embassy proposes that both governments shall waive any and all claims (other than contractual claims) against each other for personal injury to or death of their military or civilian personnel, or for damage, loss, or destruction of property arising out of the 2008 operational activities.

The United States Government shall pay, in accordance with United States law, fair and reasonable compensation in settlement of meritorious claims by third parties arising out of acts or omissions of United States personnel or that is otherwise in connection with activities of the United States Armed Forces under this Agreement.

In the event that agreed activities involve the use of contractors, the United States Department of Defense may award contracts for the acquisition of articles and services in accordance with United States law and regulations. The United States Department of Defense shall have the right to choose such contractors, and such contractors and their employees who are foreigners or non-nationals of Nicaragua shall be accorded the same privileges as United States personnel with regard to licensing and registration of vehicles, drivers, and professional personnel; and with regard to the export, import, and acquisition of goods and equipment for official or personal use.

The United States Armed Forces and United States personnel may use water, electricity, and other public services and facilities, for which the Government of Nicaragua will assist the United States authorities in taking measures to obtain such services from the institutions and corresponding offices, for the appropriate development of the aforementioned 2008 operational activities.

Finally, additional arrangements as may be necessary may be entered into by the appropriate authorities of the two governments.

If the foregoing is acceptable to the Government of the Republic of Nicaragua, the Embassy proposes that this Note, together with the Ministry's reply to that effect, shall constitute an agreement between the two governments, which shall enter into force on the date of the Ministry's reply, and shall remain in effect for the duration of the 2008 operational activities.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America,  
Managua, August 8, 2008.

END TEXT DIP NOTE ON SOFA.

14. (U) BEGIN TEXT OF DIP NOTE ON CUSTOMS PROCEDURES.

No. 152

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Nicaragua and has the honor to refer to discussions between the Government of Nicaragua and the Government of the United States of America regarding procedures related to customs issues in reference to activities described in Diplomatic Note No. 151.

The military-to-military activities in Nicaragua scheduled for 2008, as mutually agreed in Diplomatic Note No. 151 of August 8, 2008, will be carried out to further the relationship of friendship and cooperation that exists between the Republic of Nicaragua and the United States of America.

In support of these military activities, the Embassy of the United States will assume responsibility for coordinating the duty-free importation and exportation of products, property, materiel, and equipment, imported into, acquired in or exported from Nicaragua by or on behalf of the United States Government or its personnel in connection with the 2008 operational activities, by means of duty-free permits, and/or as appropriate, through permits (franquicias) or a duty-free & Provisional Importation Certificate,<sup>8</sup> granted in the name of the Mission. The Embassy has in place procedures to ensure our ability to carry out this responsibility.

The Embassy also reaffirms the agreement of Diplomatic Note No. 151 in which the Government of the Republic of Nicaragua will accord duty-free importation and exportation, as well as exemption from inspections and taxation on products, property, material, and equipment, imported into, acquired in or exported from Nicaragua by or on behalf of the United States Government or its personnel in connection with the 2008 operational activities.

If the foregoing is acceptable to the Government of the Republic of Nicaragua, the Embassy proposes that this Note, together with the Ministry's reply to that effect, shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's reply, and shall remain in effect for the duration of the 2008 operational activities.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America,  
Managua, August 8, 2008.

END TEXT OF NOTE ON CUSTOMS PROCEDURES.

15. (U) Embassy Managua POC for this issue is Deputy Pol Counselor/Pol-Mil officer, Jesse Curtis. Contact information: CurtisJS@state.gov; CurtisJS@state.sgov.gov; TEL: 011-505-252-7128 (office) 011-505-920-1579 (cell).

CALLAHAN